

# **Chapter 2**

## **GARBAGE**

### **7-2-1: DEFINITIONS:**

As used in this chapter, the following words and terms shall have the meaning set forth below:

**COMMERCIAL REFUSE GENERATOR:** Any person in charge of, owning, leasing, renting, or occupying any multi-family dwelling unit in excess of one unit, business, industrial, or commercial building, including, but not limited to, an apartment complex, store, office, factory, or school that generates garbage.

**DISPOSAL AREA:** Any site, location, tract of land, area, building, structure, or premises used or intended to be used by a refuse generator for garbage disposal.

**GARBAGE:** Every accumulation of table scraps, ashes, paper, rags, bottles, glass, cans, sweepings, rubbish, refuse, debris of animal, vegetable, or other matter that attends the preparation, consumption, decay, dealing in or storage of meats, fish, fowl, birds, fruit, or vegetables, including the cans, containers, or wrappers wasted along with such materials, and all other waste matter.

**GARBAGE CONTAINER:** Any container provided by the City to be used by a person or occupant to store garbage, pending collection by the City.

**HAZARDOUS WASTE:** Any caustic, toxic, corrosive, flammable, or radioactive substance that may be dangerous to the public safety and welfare. Hazardous substance includes, but is not limited to, irritants, strong sensitizers, and those materials defined by the United States Environmental Protection Agency and the State of Montana as a hazardous waste, hazardous substance, or hazardous material.

**OCCUPANT:** Any person owning or occupying a dwelling unit or the person owning, operating, managing, or keeping any commercial establishment, business establishment, school, church, institution, or premises wherein or whereon garbage accumulates or is likely to accumulate.

**REFUSE:** Any waste product solid or having the character of solids rather than liquids in that it will not flow readily without additional liquid and which is composed wholly or partly of such materials as garbage, swill, seepings, cleanings, trash, rubbish, litter, industrial solid wastes, or domestic solid wastes; organic wastes or residue of animals sold as meat; fruit or other vegetable or animal matter from kitchens, dining rooms, markets, food establishments, or any places dealing in or handling meat, fowl, fruits, grain, or vegetable offal, animal excreta, or the carcasses of animals; brick, plaster, or other waste matter resulting from the demolition, alteration, or construction of buildings or structures; accumulated waste material, cans, containers, tires, junk, or other such substance which may become a nuisance.

**RESIDENTIAL REFUSE GENERATOR:** Any person generating garbage other than a commercial refuse generator as defined above.

**RUBBISH:** Wood, leaves, trimmings from shrubs, dead trees, or branches thereof, wooden ware, printed matter, paper, paper board, pasteboard, grass, rags, straw, boots, shoes, hats, and all other combustible materials not included under the term "garbage".

**WASTE MATTER:** Waste material composed of soil, earth, sand, clay, gravel, loam, stone, bricks, plaster, crockery, glass, glassware, ashes, cinders, shells, metals, and all other material which has been or is discarded or is to be discarded. (Ord. 262, 8-1-2017)

## **7-2-2: STANDARDS FOR ACCUMULATION AND STORAGE OF GARBAGE:**

The following standards and requirements are established as a minimum for the sanitary accumulation and storage of garbage pending collection:

- A. All garbage shall be placed in garbage containers provided by the City.
- B. Any material to be placed within the garbage container shall be appropriately bagged and tied closed prior to being deposited within the container.
- C. All garbage containers shall be placed for collection, at a location designated by the Public Works Director, which facilitates the collection process and must be at least six feet (6') from each other and any obstruction such as automobiles, trailers, motor homes, fences, lampposts, or portable basketball hoops. Containers are not to block pedestrian access.
- D. The garbage containers shall be placed on a flat surface at the edge of the traveled portion of the right-of-way so as not to obstruct the driving lane with the lid opening facing the street.
- E. Garbage containers shall be placed in the designated collection location before seven o'clock (7:00) A.M. on the day of collection, and after the containers are emptied they shall be removed from the designated location on the day of collection and stored in the area designated by the Public Works Director.
- F. It shall be unlawful for the occupant or tenants of any dwelling, building, or premises within the City to dump, throw, or scatter garbage within the enclosure of or on any premises, or within or on any alley or street adjoining the same, or anywhere within the City.
- G. Garbage materials that do not fit into a garbage container shall be secured in neat bundles, easily handled by the collector and shall not exceed four feet (4') in length. Bundles shall be placed neatly in a pile in the generator's portion of the alley (for alley service), or adjacent to the generator's curb line (for street service). Garbage containers and public rights-of-way shall not be blocked by placement of such materials.
- H. The owner or occupant shall break down materials so that they will readily fit into the container with the lid in the closed position. Whenever special handling is required, the refuse generator shall be responsible to contact the City to arrange for special collection.
- I. All garbage material shall be placed within a sturdy and closed bag before being placed for disposal in a garbage container. (Ord. 262, 8-1-2017)

### **7-2-3: PROHIBITION:**

No person shall place the following materials in a garbage container:

- A. Anything that prevents the lid of the garbage container from closing.
- B. Large limbs or trimmings that do not allow the lid of the garbage container to close.
- C. Flammable liquids.
- D. Large construction, demolition, or remodeling debris.
- E. Concrete, dirt, or plaster.
- F. Appliances or other furniture that will not allow the container to close.
- G. Motor vehicle tires.
- H. Hot ashes.
- I. Hazardous wastes. (Ord. 262, 8-1-2017)

### **7-2-4: BULK STORAGE:**

Bulk handling or storage of refuse of any character shall be subject to review by the City, and the owner or occupant of any industrial, commercial, or business establishment shall make such provisions as the City may require for the sanitary storage and collection of such refuse as may be produced in bulk. (Ord. 262, 8-1-2017)

### **7-2-5: STANDARDS FOR THE COLLECTION OF REFUSE AND GARBAGE:**

The following standards and requirements are established as a minimum for the sanitary collection of refuse and garbage:

- A. Every owner or occupant whose container, or the place where the containers are kept for storage or pending collection, not meeting the requirements of this chapter, shall be duly notified by mail or by personal contact by the City.
- B. Upon notifying the owner or occupant of any violation of this chapter, the investigating representative shall establish an improvement deadline and shall give the owner or occupant at

least seven (7) days' written notice of the improvement deadline. The Director of Public Works, at the time established for correction, shall investigate, and if the condition has been found to continue, the Director shall declare it to be a misdemeanor.

- C. If the City receives notice in writing from the owner that a structure has been permanently abandoned; or if the City receives notice in writing from the City Director of Public Works or a Lewis and Clark County Health Officer that a structure has been condemned as not habitable, or unsanitary and dangerous to human life, refuse and garbage service may be discontinued and monthly charges stopped. (Ord. 262, 8-1-2017)

## **7-2-6: RESPONSIBILITIES:**

Every person shall have the duty of maintaining premises or equipment under their supervision, or of maintaining containers or disposal areas, in compliance with the requirements of this chapter, Lewis and Clark County health regulations, and all applicable provisions of State law.

Every owner remains liable for violations imposed upon them by this Code even though an obligation is also imposed on the occupants of their buildings, and even though the owner has, by agreement, imposed on the occupants the duty of complying with all the requirements of this chapter.

- A. All commercial and residential refuse generators shall maintain and keep the area surrounding the refuse and garbage containers free from refuse, garbage, and other hazards to the public health, safety, or welfare.
- B. All food service establishments producing putrescible waste and all business areas shall provide adequate and sufficient storage containers to hold all waste accumulated between collections, without creating a public hazard.
- C. No person shall throw or deposit any refuse, garbage, rubbish, waste matter, or dead animal, or cause the same to be thrown or deposited upon any street, alley, gutter, park, or other public way or throw or deposit the same in or upon any premises or vacant lot or in any water or waterway thereto, or store or keep the same except in containers required by this chapter.

No person shall store, deposit, or keep refuse in any place or in any manner where rodents can have access to or feed thereon, or can use such refuse as a harborage, nest, or breeding place.

- D. Any person engaged in the construction, repair, or demolition of any building or structure or part thereof, shall remove and dispose of in an authorized manner, from any street, alley, gutter, park, sidewalk, curbing, curb space, any public way or any premises not owned by them, all waste matter or rubbish deposited thereon in connection with that portion of the repair, construction, or demolition work under their special or general supervision. Such refuse, waste matter, and rubbish shall be cleaned up, removed, and disposed of in a sanitary manner daily from all public ways and areas, and otherwise within seven (7) days of the final cessation of work on such building or structure or part thereof, and the area shall be restored to its original condition by the person conducting the work, unless otherwise specifically authorized by the City.

- E. No refuse, garbage, rubbish, waste matter, soil, or manure shall be transported along any public street, alley, or public way unless such vehicle is so constructed and loaded that no such material can fall through or out of such vehicle.
- F. All persons owning, occupying, or being in control of property fronting on an alley of this City shall keep the portion of said alley between the centerline thereof and the property line of such property, and fronting on such property, free from refuse, garbage, rubbish, and waste matter.
- G. No refuse or garbage shall be collected which is not contained in the manner set forth in this chapter. Special collections shall be arranged with the City by the refuse generator. (Ord. 262, 8-1-2017)

### **7-2-7: PENALTIES:**

Failure to carry out the duties herein or elsewhere required for the sanitary accumulation, collection, transportation, and disposal of garbage or failure to comply with the requirements of this chapter is declared a misdemeanor. Any person violating the provisions of this chapter may be fined not more than five hundred dollars (\$500.00), except that the minimum fine shall be the sum of ten dollars (\$10.00). (Ord. 262, 8-1-2017)

### **7-2-8: RATES AND CHARGES:**

It shall be the duty of the City Council to set a charge or fee for the cost of collecting and disposing garbage in the City by establishing both residential and commercial fees. From and after September 1, 2017, and until otherwise prescribed by ordinance, the monthly fee for collection and disposal of garbage shall be as follows:

Container	Equivalent Units	Monthly Rate (Once A Week)	Monthly Rate (Twice A Week)
Grey - 95 gal.	1	\$12.25	\$24.50
Black - 300 gal.	1	36.75	73.50

The monthly rate will cover each singular garbage container being emptied once a week. If a citizen requires that their garbage container be emptied more often they may schedule additional recurring services with the Public Works Director (PWD) for an additional cost. Multiple garbage containers may be requested through the PWD for an additional cost as described in the above chart. Finally, the PWD may schedule additional one-time services for citizens requesting additional services due to extraordinary circumstances. The scheduling and cost of these one-time services shall be determined by the PWD based on scheduling priorities and the estimated total number of gallons.

The following is not garbage under this chapter and must be disposed of at the expense of the person responsible for its production:

- A. Construction, demolition, or remodeling debris including, but not limited to, roof shingles, siding, concrete, or plaster.
- B. Shrubbery, trees, tree stumps, or soil.
- C. Appliances or furniture.
- D. Building rubbish resulting from construction or extensive remodeling or alteration to buildings or yards.
- E. Any trade waste condemned in large quantities.
- F. Motor vehicle tires.
- G. Any pounds or tons beyond the first two thousand (2,000) pounds delivered annually (July 1<sup>st</sup> to June 30<sup>th</sup>) to the landfill by a resident owner or tenant will be billed directly to that individual by the landfill. Such fee shall be determined by the landfill. (Ord. 262, 8-1-2017)

#### **7-2-9: BOOKS OF ACCOUNTS:**

All accounts for garbage collection and disposal shall be kept by the City Clerk in the name of the owner of the property only, or their legally authorized agent. The property owner shall be held responsible for payment of the garbage collection and disposal rates. (Ord. 262, 8-1-2017)

#### **7-2-10: INTEREST ASSESSED ON PAST DUE ACCOUNTS:**

Garbage collection and disposal bills are due and payable within thirty (30) days of issuance, and any such bill that is more than thirty (30) days but less than ninety (90) days past due is late. Any unpaid garbage collection and disposal bill that is more than ninety (90) days past due is delinquent and shall have assessed against it interest at the rate of one and one-half percent (1.5%) per month until paid. (Ord. 262, 8-1-2017)

#### **7-2-11: OWNER RESPONSIBLE FOR PAYMENT; DELINQUENCY SHUTOFF:**

The garbage collection and disposal rates and related sums from the City shall be charged against the property to which it is furnished and against the owner thereof. If any sums for garbage collection and disposal services become delinquent, the water service shall be shut off from the property and in no case turned on again until all such delinquent amounts, including any interest assessed and owing, have been paid in full, together with fifty dollars (\$50.00) additional for the expense of turning the water on and off. No change of ownership shall affect the application of this provision. (Ord. 262, 8-1-2017)

## **7-2-12: CITY AS EXCLUSIVE PROVIDER OF GARBAGE AND SOLID WASTE DISPOSAL SERVICES:**

The City shall be the sole provider of garbage and solid waste disposal services within the corporate limits of the City, subject to the exception that any entity providing solid waste disposal services to an existing customer within the corporate limits of the City as of December 19, 1991, shall be allowed to continue providing solid waste disposal services to any such existing customer, for a period of five (5) years after the effective date hereof. After five (5) years, the City shall be the sole provider of such services and all private solid waste disposal and collection services shall cease and terminate within the corporate limits of the City. (Ord. 262, 8-1-2017)

## **7-2-13: UNLAWFUL DUMPING OF GARBAGE OR OTHER REFUSE:**

It shall be unlawful:

- A. For any person to dump or dispose of garbage, refuse, or waste material into any garbage container not assigned to that person.
- B. For any person to dump garbage or other refuse into any City owned garbage container located in public areas, except by those persons actually using the facilities of such public area for the disposal of garbage, refuse, or waste material generated at that public facility.
- C. To dispose of, place or deposit within the City limits any ashes, garbage, trash or any other kind of rubbish generated, created or originated outside of the boundaries of the City limits. The City is not responsible for collecting any ashes, garbage, trash or any other kind of rubbish generated, created or originated outside of the boundaries of the City limits. This prohibition against the depositing of ashes, garbage, trash or any other kind of rubbish generated, created or originated outside of the boundaries of the City limits applies regardless of landowner permission and all ordinances shall be interpreted to include such a prohibition regardless of landowner consent. This prohibition does not apply to minor amounts of ashes, garbage, trash or rubbish which may have originated outside of the City limits but are deposited infrequently and incidentally to the use of a property within the City limits by an owner, or the owner's lessees, invitees and guests. An example of minor, incidental use includes, without limitation, the cleaning out of trash from a vehicle which may have accumulated incidentally from a trip outside of the City limits. (Ord. 262, 8-1-2017)

